

is a minor. The General Assembly may wish to consider whether requiring actual knowledge "or" a reasonable basis for knowledge is more appropriate.

In subsection (b) of this section, the former phrase "unless otherwise provided" is deleted because there are no alternative penalties provided for a violation of this section.

As to the penalty provided in subsection (b) of this section, see General Revisor's Note to subtitle.

In subsection (b)(1) of this section, the qualification "for a first violation" is added for clarity.

Defined terms: "Minor" § 1-101
"Person" § 1-101

11-210. EXEMPTION FROM SUBTITLE.

(A) BONA FIDE JUSTIFICATION.

(1) A PERSON HAVING A BONA FIDE SCIENTIFIC, EDUCATIONAL, GOVERNMENTAL, ARTISTIC, NEWS, OR OTHER SIMILAR JUSTIFICATION FOR POSSESSING OR DISTRIBUTING PROHIBITED MATTER IS NOT SUBJECT TO THE PROHIBITIONS AND PENALTIES IMPOSED BY THIS SUBTITLE.

(2) A DISTRIBUTION MADE IN ACCORDANCE WITH A BONA FIDE SCIENTIFIC, EDUCATIONAL, GOVERNMENTAL, ARTISTIC, NEWS, OR OTHER SIMILAR JUSTIFICATION IS NOT SUBJECT TO THE PROHIBITIONS AND PENALTIES IMPOSED BY THIS SUBTITLE.

(B) EXCEPTION TO JUSTIFICATION.

A JUSTIFICATION IS NOT BONA FIDE UNDER THIS SECTION IF A REASONABLE PERSON WOULD FIND THAT A DOMINANT PURPOSE OF THE DEPICTION OF AN INDIVIDUAL UNDER THE AGE OF 16 YEARS ENGAGING IN SEXUAL CONDUCT IS TO AROUSE OR GRATIFY SEXUAL DESIRE IN EITHER THE VIOLATOR, THE INDIVIDUAL UNDER THE AGE OF 16 YEARS, OR THE VIEWER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 423.

In subsection (a) of this section, the phrase "is not subject" is substituted for the former reference to "shall not extend" for consistency within this article.

In subsection (b) of this section, the reference to a "violation" is substituted for the former reference to a "perpetrator" for consistency within this article.

Defined terms: "Matter" § 11-201
"Person" § 1-101
"Sexual conduct" § 11-201